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Republic Group Realty, LLC, Ephraim Frenkel and  
Land Title Associates Escrow*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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AMUSEMENT INDUSTRY, INC., dba WESTLAND  
INDUSTRIES; PRACTICAL FINANCE CO., INC., :

Plaintiffs, : 07CV11586 (LAK)(GWG)  
-against- : (ECF)  
  
MOSES STERN, aka MARK STERN, JOSHUA SAFRIN, : NOTICE OF MOTION TO  
FIRST REPUBLIC GROUP REALTY, LLC, : QUASH SECOND  
EPHRAIM FRENKEL, : SUBPOENA ISSUED  
LAND TITLE ASSOCIATES ESCROW, : TO NORTH FORK BANK/  
: CAPITAL ONE

Defendants. : -----X

JOSHUA SAFRIN, :  
Defendant/Third Party-Crossclaim-  
Counterclaim Plaintiff,  
-against-

STEPHEN FRIEDMAN, STEVEN ALEVY, BUCHANAN  
INGERSOLL & ROONEY, P.C., BANKERS CAPITAL  
REALTY ADVISORS, LLC, and FIRST REPUBLIC  
GROUP CORP.,

Third Party Defendants,  
-and-

MOSES STERN, aka MARK STERN, FIRST REPUBLIC  
GROUP REALTY LLC, EPHRAIM FRENKEL, and  
LAND TITLE ASSOCIATES ESCROW,

Defendants/Crossclaim Defendants,  
-and-

AMUSEMENT INDUSTRY, INC. dba WESTLAND  
INDUSTRIES, PRACTICAL FINANCE CO., INC.

Plaintiffs/Counterclaim Defendants.

-----X

**PLEASE TAKE NOTICE**, that upon the accompanying Affidavit of Ephraim Frenkel, sworn to June 4, 2008, the exhibit annexed thereto, Defendants Ephraim Frenkel and Land Title Associates Escrow will move this Court before the Honorable Lewis A. Kaplan, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, on submission or at such time as the Court may direct, (a) pursuant to Fed.R.Civ.P. 26(c)(1), Fed.R.Civ.P. 45(c)(3) and Fed.R.Civ.P. 65, quashing, modifying, limiting and/or enjoining compliance with the second nonparty subpoena issued by plaintiffs to North Fork Bank/Capital One, dated May 15, 2008, and (b) for such other and further relief in favor of said Defendants as the Court deems appropriate.

Dated: New York, New York  
June 4, 2008

HOFFINGER STERN & ROSS, LLP  
Attorneys for Defendants Ephraim Frenkel  
and Land Title Associates Escrow



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